

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

**KEISHA BOYKIN, Individually and on
Behalf of the Estate of Darren Boykin, and
PARIS THORPE, as Next Friend of A.B.,
Plaintiffs,** §
§
§
**DARREN BOYKIN, Individually,
Intervenor Plaintiff,** §
§
§
v. §
§
§
**JERRIKA WEAVER, BRENT HOBBS,
and WILLIAM SCOTT,
Defendants.** §
§
§
Case No. 05:21-cv-106-RWS-CMC

**SUGGESTION OF DEATH AND
MOTION TO SUBSTITUTE PROPER PARTY
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 25(a)**

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff files this Suggestion of Death and shows the Court the following:

1. On August 29, 2021, Plaintiff Keisha Boykin filed this lawsuit against Defendants Jerrika Weaver, Brent Hobbs, and William Scott alleging constitutional violations under 42 U.S.C. § 1983 for the wrongful death of her son Darren Boykin on August 29, 2019. (ECF 1).
2. On September 7, 2021, Plaintiffs Keisha Boykin and Paris Thorpe filed a First Amended Complaint adding Plaintiff Paris Thorpe, as next friend of A.B., bringing a wrongful death claim as Darren Boykin's minor child. (ECF 7).
3. On September 8, 2021, Darren Boykin Sr., the father of Darren Boykin, intervened in this action bringing a wrongful death claim. (ECF 8).
4. On January 10, 2022, this Court issued a Docket Control Order. (ECF 29).

5. On January 18, 2022, due to Keisha Boykin's declining health, Paris Thorpe filed an Application for Determination and Declaration of Heirship and for Letters of Independent Administration to become the administrator of Darren Boykin's estate, as the biological mother of the Decedent's minor child, A.B., who is the sole heir of the Decedent and who claims an interest in the property of this estate.
6. On January 26, 2022, Keisha Boykin passed away.
7. Pursuant to Federal Rule of Civil Procedure 25(a), if a party dies and the claim is not extinguished, the Court may order substitution of the proper party.
8. Paris Thorpe, the mother and sole guardian of A.B., is currently in the process of becoming administrator of Darren Boykin's estate.
9. Pursuant to the Texas Estate Code,
 - (a) If a person who dies intestate does not leave a spouse, the estate to which the person had title descends and passes in parcenary to the person's kindred in the order provided by this section.
 - (b) The person's estate descends and passes to the person's children and the children's descendants.Tex. Est. Code Ann. § 201.001(a)-(b).
10. As A.B. is Darren Boykin's only child, A.B. is the sole distributee of the estate. *Id.*
11. Accordingly, Plaintiff requests that this Court substitute Paris Thorpe for Keisha Boykin (deceased) as the Plaintiff bringing the estate's survival action since Paris Thorpe, the mother and sole guardian of A.B., has a pending application to become the estate administrator for Darren Boykin's estate, and whose appointment Plaintiff believes is forthcoming.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays for any relief for which she may be justly entitled.

Respectfully Submitted,

/s/ James P. Roberts
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JAMES P. ROBERTS
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CERTIFICATE OF CONFERENCE

I certify that on February 4, 2022, undersigned counsel reached out to Daryl K. Washington, Counsel for Intervenor, Robert W. Weber, Counsel for Defendant Weaver, and Darren K. Coleman, Counsel for Defendants Hobbs and Scott. Counsel for all Defendants responded that they are unopposed. As of the filing of this motion, Counsel for Intervenor has not responded with his position, as such Plaintiff states Intervenor is opposed.

/s/ James P. Roberts
James P. Roberts

CERTIFICATE OF SERVICE

I certify that on February 4, 2022, this document was filed and served through the ECF system on all counsel of record.

/s/ James P. Roberts
James P. Roberts